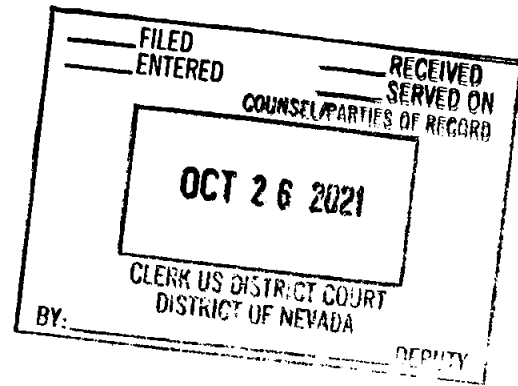


1 CHRISTOPHER CHIOU
Acting United States Attorney
2 District of Nevada
Nevada Bar Number 14843
3 DANIEL J. COWHIG
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
4 Las Vegas, Nevada 89101
702-388-6336
5 daniel.cowhig@usdoj.gov
Attorneys for the United States of America



7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 KENNETH EARL SMITH, JR.,

13 Defendant.

Case No. 2:21-cr- 279

CRIMINAL INDICTMENT

COUNTS ONE through EIGHT:

18 U.S.C. §§ 922(a)(6) and 924(a)(2) –
Illegal Acquisition of a Firearm

COUNT NINE:

18 U.S.C. §§ 922(a)(1)(A), 923(a), and
924(a)(1)(D) – Engaging in the Business
Without a License (Firearms)

18 THE GRAND JURY CHARGES THAT:

19 COUNT ONE

Illegal Acquisition of a Firearm
20 18 U.S.C. §§ 922(a)(6) and 924(a)(2)

21 On or about May 13, 2020, in the State and Federal District of Nevada,

22 KENNETH EARL SMITH, JR.,

23 defendant, in connection with the acquisition of firearms, specifically: a Ruger model

24 SR40 .40 caliber semiautomatic pistol bearing serial number 342-82366; an FN America

1 model FN-509 9mm semiautomatic pistol bearing serial number GKS0060988, and; a
2 Glock model 19X 9mm semiautomatic pistol bearing serial number BHUK354, from Cash
3 America #2011, doing business as Super Pawn, a licensed dealer of firearms within the
4 meaning of Chapter 44 of Title 18, United States Code, knowingly made and caused to be
5 made false and fictitious written statements to Cash America #2011, which statement was
6 intended and likely to deceive Cash America #2011, as to a fact material to the lawfulness
7 of such sale of said firearms to the defendant under Chapter 44 of Title 18, United States
8 Code, in that SMITH did complete and execute a Bureau of Alcohol, Tobacco, Firearms
9 and Explosives Form 4473 Firearms Transaction Record, wherein SMITH represented
10 that he was the actual transferee/buyer of the firearms listed on the form, when in fact,
11 and as SMITH well knew, he was acquiring the firearms on behalf of other persons, that
12 his current state of residence was Nevada, when in fact, and as SMITH well knew, he was
13 not a resident of Nevada, and that his current residence was 10120 W Flamingo RD STE
14 4-1062, Las Vegas NV 89147, when in fact, and as SMITH well knew, that address was
15 not his residence, but the address of a commercial mail box; all in violation of Title 18,
16 United States Code, Sections 922(a)(6) and 924(a)(2).

17 COUNT TWO

18 Illegal Acquisition of a Firearm
18 U.S.C. §§ 922(a)(6) and 924(a)(2)

19 On or about July 22, 2020, in the State and Federal District of Nevada,

20 KENNETH EARL SMITH, JR.,

21 defendant, in connection with the acquisition of a firearm, specifically: a Glock model 45
22 9mm semiautomatic pistol bearing serial number BKTC131, from Discount Firearms, a
23 licensed dealer of firearms within the meaning of Chapter 44 of Title 18, United States
24 Code, knowingly made and caused to be made a false and fictitious written statement to

Discount Firearms, which statement was intended and likely to deceive Discount Firearms as to a fact material to the lawfulness of such sale of said firearm to the defendant under Chapter 44 of Title 18, United States Code, in that SMITH did complete and execute a Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 Firearms Transaction Record, wherein SMITH represented that he was the actual transferee/buyer of the firearm listed on the form, when in fact, and as SMITH well knew, he was acquiring the firearm on behalf of other persons, that his current state of residence was Nevada, when in fact, and as SMITH well knew, he was not a resident of Nevada, and that his current residence was 3749 Carlyle Dr, Apt. 57, Las Vegas, NV 89115, when in fact, and as SMITH well knew, he did not reside at that address; all in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT THREE

Illegal Acquisition of a Firearm
18 U.S.C. §§ 922(a)(6) and 924(a)(2)

On or about August 23, 2020, in the State and Federal District of Nevada,

KENNETH EARL SMITH, JR.,

defendant, in connection with the acquisition of firearms, specifically: a Taurus Armas model PT111 G2A 9mm semiautomatic pistol bearing serial number TMA09526; a Kimber model Micro-9 Stainless 9mm semiautomatic pistol bearing serial number KRF12133; an HS Produkt - Springfield Armory Inc. model XD45-LE .45 caliber semiautomatic pistol bearing serial number US550468, and; a Smith & Wesson model SD9-VE 9mm semiautomatic pistol bearing serial number FCM4128, from Super Pawn #2022, a licensed dealer of firearms within the meaning of Chapter 44 of Title 18, United States Code, knowingly made and caused to be made a false and fictitious written statement to Super Pawn #2022, which statement was intended and likely to deceive

1 Super Pawn #2022 as to a fact material to the lawfulness of such sale of said firearms to
2 the defendant under Chapter 44 of Title 18, United States Code, in that SMITH did
3 complete and execute a Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473
4 Firearms Transaction Record, wherein SMITH represented that he was the actual
5 transferee/buyer of the firearm listed on the form, when in fact, and as SMITH well knew,
6 he was acquiring the firearm on behalf of other persons, that his current state of residence
7 was Nevada, when in fact, and as SMITH well knew, he was not a resident of Nevada,
8 and that his current residence was 3749 Carlyle Dr, Apt. 57, Las Vegas, NV 89115, when
9 in fact, and as SMITH well knew, he did not reside at that address; all in violation of Title
10 18, United States Code, Sections 922(a)(6) and 924(a)(2).

11 COUNT FOUR

12 Illegal Acquisition of a Firearm
18 U.S.C. §§ 922(a)(6) and 924(a)(2)

13 On or about September 15, 2020, in the State and Federal District of Nevada,

14 KENNETH EARL SMITH, JR.,

15 defendant, in connection with the acquisition of firearms, specifically: a Taurus Armas
16 model 856 .38 Special +P Ultra-Lite revolver bearing serial number MU10945; a Ruger
17 model P89 9mm semiautomatic pistol bearing serial number 309-45588; a Ruger model
18 LCP .380 caliber semiautomatic pistol bearing serial number 371915132; a Phoenix Arms
19 model HP-25A .25 caliber semiautomatic pistol bearing serial number 4280221, and; an
20 SCCY Industries model CPX-2 9mm semiautomatic pistol bearing serial number 741731,
21 from Cash America #2011, doing business as Super Pawn, a licensed dealer of firearms
22 within the meaning of Chapter 44 of Title 18, United States Code, knowingly made and
23 caused to be made a false and fictitious written statement to Cash America #2011, which
24 statement was intended and likely to deceive Cash America #2011, as to a fact material to

1 the lawfulness of such sale of said firearms to the defendant under Chapter 44 of Title 18,
2 United States Code, in that SMITH did complete and execute a Bureau of Alcohol,
3 Tobacco, Firearms and Explosives Form 4473 Firearms Transaction Record, wherein
4 SMITH represented that he was the actual transferee/buyer of the firearm listed on the
5 form, when in fact, and as SMITH well knew, he was acquiring the firearm on behalf of
6 other persons, that his current state of residence was Nevada, when in fact, and as SMITH
7 well knew, he was not a resident of Nevada, and that his current residence was 3749
8 Carlyle Dr, Apt. 57, Las Vegas, NV 89115, when in fact, and as SMITH well knew, he did
9 not reside at that address; all in violation of Title 18, United States Code, Sections
10 922(a)(6) and 924(a)(2).

11 COUNT FIVE

12 Illegal Acquisition of a Firearm
18 U.S.C. §§ 922(a)(6) and 924(a)(2)

13 On or about October 22, 2020, in the State and Federal District of Nevada,

14 KENNETH EARL SMITH, JR.,

15 defendant, in connection with the acquisition of a firearm, specifically: a Taurus Armas
16 model G3 9mm semiautomatic pistol bearing serial number ABH813657, from
17 Sportsman's Warehouse, a licensed dealer of firearms within the meaning of Chapter 44 of
18 Title 18, United States Code, knowingly made and caused to be made a false and fictitious
19 written statement to Sportsman's Warehouse which statement was intended and likely to
20 deceive Sportsman's Warehouse as to a fact material to the lawfulness of such sale of said
21 firearm to the defendant under Chapter 44 of Title 18, United States Code, in that SMITH
22 did complete and execute a Bureau of Alcohol, Tobacco, Firearms and Explosives Form
23 4473 Firearms Transaction Record, wherein SMITH represented that he was the actual
24 transferee/buyer of the firearm listed on the form, when in fact, and as SMITH well knew,

1 he was acquiring the firearm on behalf of other persons, that his current state of residence
2 was Nevada, when in fact, and as SMITH well knew, he was not a resident of Nevada,
3 and that his current residence was 3749 Carlyle Dr, Apt. 57, Las Vegas, NV 89115, when
4 in fact, and as SMITH well knew, he did not reside at that address; all in violation of Title
5 18, United States Code, Sections 922(a)(6) and 924(a)(2).

6 COUNT SIX

7 Illegal Acquisition of a Firearm
18 U.S.C. §§ 922(a)(6) and 924(a)(2)

8 On or about January 11, 2021, in the State and Federal District of Nevada,

9 KENNETH EARL SMITH, JR.,

10 defendant, in connection with the acquisition of firearms, specifically: a Taurus Armas
11 model G3c 9mm semiautomatic pistol bearing serial number ABM262312; a Taurus
12 Armas model G3c 9mm semiautomatic pistol bearing serial number ABM262533, and; a
13 SAR USA model SAR9 9mm semiautomatic pistol bearing serial number
14 T110220BV76045, from C-A-L Ranch Stores, a licensed dealer of firearms within the
15 meaning of Chapter 44 of Title 18, United States Code, knowingly made and caused to be
16 made a false and fictitious written statement to C-A-L Ranch Stores, which statement was
17 intended and likely to deceive C-A-L Ranch Stores as to a fact material to the lawfulness
18 of such sale of said firearms to the defendant under Chapter 44 of Title 18, United States
19 Code, in that SMITH did complete and execute a Bureau of Alcohol, Tobacco, Firearms
20 and Explosives Form 4473 Firearms Transaction Record, wherein SMITH represented
21 that he was the actual transferee/buyer of the firearm listed on the form, when in fact, and
22 as SMITH well knew, he was acquiring the firearm on behalf of other persons, that his
23 current state of residence was Nevada, when in fact, and as SMITH well knew, he was not
24 a resident of Nevada, and that his current residence was 3749 Carlyle Dr, Apt. 57, Las

1 Vegas, NV 89115, when in fact, and as SMITH well knew, he did not reside at that
2 address; all in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

3 COUNT SEVEN

4 Illegal Acquisition of a Firearm
18 U.S.C. §§ 922(a)(6) and 924(a)(2)

5 On or about August 12, 2021, in the State and Federal District of Nevada,

6 KENNETH EARL SMITH, JR.,

7 defendant, in connection with the acquisition of a firearm, specifically: a Smith & Wesson
8 model MP-40 .40 caliber semiautomatic pistol bearing serial number NKV8810, from
9 Spartan Arms, a licensed dealer of firearms within the meaning of Chapter 44 of Title 18,
10 United States Code, knowingly made and caused to be made a false and fictitious written
11 statement to Spartan Arms, which statement was intended and likely to deceive Spartan
12 Arms as to a fact material to the lawfulness of such sale of said firearm to the defendant
13 under Chapter 44 of Title 18, United States Code, in that SMITH did complete and
14 execute a Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 Firearms
15 Transaction Record, wherein SMITH represented that he was the actual transferee/buyer
16 of the firearm listed on the form, when in fact, and as SMITH well knew, he was acquiring
17 the firearm on behalf of other persons, that his current state of residence was Nevada,
18 when in fact, and as SMITH well knew, he was not a resident of Nevada, and that his
19 current residence was 3749 Carlyle Dr, Apt. 57, Las Vegas, NV 89115, when in fact, and
20 as SMITH well knew, he did not reside at that address; all in violation of Title 18, United
21 States Code, Sections 922(a)(6) and 924(a)(2).

COUNT EIGHT

Illegal Acquisition of a Firearm
18 U.S.C. §§ 922(a)(6) and 924(a)(2)

On or about August 17, 2021, in the State and Federal District of Nevada,

KENNETH EARL SMITH, JR.,

defendant, in connection with the acquisition and the attempted acquisition of a firearm, specifically: FN America model FN-509 9mm semiautomatic pistol bearing serial number GKS0207467, from Bass Pro Shops, a licensed dealer of firearms within the meaning of Chapter 44 of Title 18, United States Code, knowingly made and caused to be made a false and fictitious written statement to Bass Pro Shops, which statement was intended and likely to deceive Bass Pro Shops as to a fact material to the lawfulness of such sale of said firearm to the defendant under Chapter 44 of Title 18, United States Code, in that SMITH did complete and execute a Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 Firearms Transaction Record, wherein SMITH represented that he was the actual transferee/buyer of the firearm listed on the form, when in fact, and as SMITH well knew, he was acquiring the firearm on behalf of other persons, that his current state of residence was Nevada, when in fact, and as SMITH well knew, he was not a resident of Nevada, and that his current residence was 3749 Carlyle Dr, Apt. 57, Las Vegas, NV 89115, when in fact, and as SMITH well knew, he did not reside at that address; all in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT NINE

Engaging in the Business Without a License (Firearms)
18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D)

Between on or about February 17, 2020, and on or about October 12, 2021, in the State and Federal District of Nevada and elsewhere,

KENNETH EARL SMITH, JR.,

1 defendant, not being a licensed dealer of firearms within the meaning of Chapter 44, Title
2 18, United States Code, did willfully engage in the business of dealing in firearms, in
3 violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

4 DATED: this 26 day of October, 2021.

5 A TRUE BILL:

6
7
8 /S/
9 FOREPERSON OF THE GRAND JURY

10 CHRISTOPHER CHIOU
11 Acting United States Attorney

12 
13 DANIEL J. COWHIG
14 Assistant United States Attorney